

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE

In re:  
JACKIE RAY THATCH  
JO ANN THATCH  
Debtor(s)

Chapter 13  
Case No. 14-14501 SDR

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**CHAPTER 13 TRUSTEE'S MOTION TO MODIFY PLAN LANGUAGE TO PROVIDE  
FOR MORTGAGE PAYMENT CHANGES AND POSTPETITION FEES, EXPENSES  
AND CHARGES IN COMPLIANCE WITH RULE 3002.1(b) AND (c) OR IN THE  
ALTERNATIVE TO DISMISS**

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Notice is hereby given that:

A hearing will be held on this Motion on October 17, 2016, at 9:30 a.m. at 305 U.S. Post Office & Courthouse, 2nd Floor, Room 204, Winchester, TN 37398. **If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the above matter and may enter an order granting that relief.**

Comes now Kara L. West, Chapter 13 Trustee ("Trustee"), pursuant to 11 U.S.C. §1329(a)(1) and Fed. R. Bankr. Pro. 3002.1, and moves the Court to modify the Debtor(s)' Chapter 13 plan. The confirmed plan does not authorize the Trustee to adjust the payments on long-term debt pursuant to 11 U.S.C. §1322(b)(5) or secured claims as necessary to effect the purposes of the plan. Therefore, the Trustee moves the Court to modify the Debtor(s)' plan to include the provisions detailed below and further provide that such provisions shall prevail over any conflicting provisions of the confirmed plan.

**Mortgage Payment Changes and Postpetition Fees, Expenses and Charges.** Absent objection, the amount of any maintenance payment provided for in the plan will be paid and adjusted in accordance with the filed claim and any subsequent Notice of Mortgage Payment Change. Absent objection, Notice(s) of Postpetition Fees, Expenses and Charges will be paid with first available funds. The filing of the Notice of Mortgage Payment

Change or Notice of Postpetition Fees, Expenses and Charges shall be considered notice to the parties in interest of such plan payment change or increased amount of secured debt, and no further notice or filing is required by the trustee or debtor.

**Payments to Secured Creditors.** The trustee may increase payments to secured creditors to ensure timely amortization.

The inclusion of these provisions may affect the dividend to unsecured creditors in a base or remainder plan, as mortgage payments changes or postpetition fees, expenses or charges may decrease the funds available to be distributed to unsecured creditors.

Over the course of this plan, the Debtor(s)' mortgage payment has changed. To accomodate these changes:

the mortgage payment must be changed in accordance with Exhibit A.

The Trustee moves the Court to modify the Debtor(s)' plan as detailed above or, in the alternative, to dismiss this case for lack of feasibility.

Respectfully submitted,

By: \s\ Kara L. West  
Chapter 13 Trustee  
P.O. Box 511  
Chattanooga, TN 37401  
(423) 265-2261

#### CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the Motion to Modify and accompanying proposed order has been sent by electronic mail to those shown on the Notice of Electronic Filing receipt issued by the Clerk of Court and/or served through the Bankruptcy Noticing Center on all creditors.

JACKIE RAY THATCH  
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Dated: September 13, 2016

By: \s\ Rebecca L. Farinash